

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, FEBRUARY 23, 2010**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, February 23, 2010, commencing at 7:04 a.m.

Present: Council Member Johnson, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: Council Member Hansen, and Council Member Mounce

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Receive Presentation Regarding the Revised Lodi Skate Park Ordinance (PR)

City Manager King briefly introduced the subject matter of the Lodi skate park ordinance.

Interim Parks and Recreation Director Jim Rodems provided a presentation regarding the Lodi skate park ordinance. Specific topics of discussion included the history of the park, usage at the park, proposed ordinance changes, usage of both BMX bikes and skateboards, decline in vandalism, modifications of the relevant municipal code sections, improvements made to the park, and overall increase in use since the park reopened.

In response to Council Member Johnson, Mr. Rodems stated parents are informed about consent and liability and enforcement efforts have been more effective.

In response to Council Member Johnson, Mr. Rodems stated Parks and Recreation has not received any significant complaints since the park was reopened.

In response to Council Member Johnson, Risk Manager Janet Hamilton confirmed there have been no claims filed in relation to the skate park. Mr. King stated the joint powers authority recommended that the secondary insurance was not necessary.

In response to Mayor Katzakian, Mr. Rodems stated the new surface material at the skate park is holding up nicely.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:27 a.m.

ATTEST:

Randi Johl  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Presentation Regarding the Revised Lodi Skate Park Ordinance

MEETING DATE: February 23, 2010

PREPARED BY: Interim Parks and Recreation Director

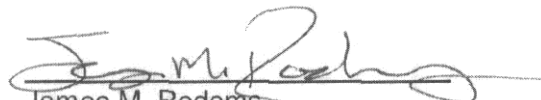
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RECOMMENDED ACTION: Receive presentation regarding the revised Lodi Skate Park Ordinance.

BACKGROUND INFORMATION: When the Lodi Skate Park opened in the summer of 2002, it was operated by a private company, Spohn Ranch, Inc. The park allowed in-line skaters and skateboarders, but not BMX bikes, and skaters were required to purchase an entry fee or a membership allowing them access to the park.

Over time, the Parks and Recreation Department revised the method and means by which the facility is operated. The City no longer charges a fee to use the park, nor does it supervise its use. Due to these changes, the City ordinance governing the access and operation of the park is outdated.

A copy of the revised ordinance is attached. The ordinance reflects minor operational changes. In the meantime, Parks and Recreation staff is pleased to report that skate park use is up, vandalism is down, last year's repairs with a more durable material are holding up to the increased use, and the facility is proving to be a valuable community asset.

  
James M. Rodems  
Interim Parks and Recreation Director

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APPROVED:

  
Blair King, City Manager

## Article V. Skate Parks

### 12.12.410 Skateboarding, rollerskating prohibited in certain areas.

Skateboarding, rollerskating, in-line skating, and similar activities are prohibited in city parks and recreational facilities unless specifically authorized in areas designed by this article and as further designated by resolution of the city council. The city designates and maintains as a skate park facility, that area located within Kofu Park at 1145 South Ham Lane at Cardinal Street. The boundaries of the skate facility shall be defined by a fence and the signs required by this article.

### 12.12.420 Skate park regulations.

The following regulations shall apply to the riding of skateboards, in-line skates, or rollerskates at, or any other use of, any facility or park owned or operated by the city of Lodi, which has been designated a skate park:

A. Within the skate park, it shall be unlawful for any person to:

~~1. Ride, operate, or use a skateboard, rollerskates, or in-line skates unless that person maintains in his/her possession a valid skate park identification card issued pursuant to policies and procedures established by the parks and recreation department;~~

~~1.2.~~ Ride, operate, or use a skateboard, rollerskates, or in-line skates, unless that person is wearing a helmet designed for skateboarding and/or in-line skating use with a chin strap, elbow pads designed for skateboard and/or in-line skating use with plastic elbow caps, and knee pads designed for skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use;

~~2.3.~~ Ride, operate, utilize a skateboard, rollerskates, or in-line skates unless such equipment is in good repair at all times during use;

~~3.4.~~ Be on or use an individual apparatus within the skate park while another person is using it;

~~4.5.~~ Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park;

~~5.6.~~ Use the skate park amenities when the surfaces of the amenities are wet or other conditions exist which would adversely affect the safety of skateboarders or skaters;

~~6.7.~~ Use, operate, or possess any source of amplified music including but not limited to stereos, boom boxes, and amplifiers;

~~7.8.~~ Enter the skate park unless actively skateboarding or in-line skating in accordance with these regulations;

~~8.9.~~ Use, consume, or have within his or her custody or control, food or beverages, within the skate park;

~~9.10.~~ Use, consume, or have within his or her custody or control, alcohol, tobacco products, or illegal drugs within the skate park;

~~10.11.~~ Enter upon the skate park while under the influence of alcoholic beverages or illegal drugs;

~~11.12.~~ Use or possess glass containers, bottles, or other breakable glass products within the skate park;

~~12.13.~~ Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying) or any activity which could endanger the safety of persons using the skate park or spectators;

~~13.14.~~ Engage in graffiti, tagging, or other defacing of city property or the properties of others;

~~14.15.~~ Ride, operate, or utilize any device other than a skateboard, rollerskates, or in-line skates (prohibited devices include, but are not limited to, bicycles, motor vehicles, motorized skateboards, and motorized skates) on the skate park;

~~15.16.~~ No person shall enter or remain in or upon the skate park premises: (1) while closed, as determined by the parks and recreation department, or (2) between the hours of nine p.m. and ten a.m.;

~~16.17.~~ Use or have within his or her custody or control, board wax, within the skate park;

~~17.18.~~ No person shall enter in or upon the skate park premises with any animal.

B. The skate park shall be posted with signs at the following locations:

1. At the entrance to the skate park; and

2. On the fences of the skate park, facing the interior of the skate park, and in such places inside the park as determined by the city. The signs shall not be less than two feet by three feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than one-half inch in height, the following language:

WARNING

SKATEBOARDING AND IN-LINE SKATING ARE HAZARDOUS RECREATION ACTIVITIES. USE OF THIS FACILITY MAY RESULT IN SERIOUS INJURIES OR DEATH. THE CITY OF LODI DOES NOT ASSUME ANY RESPONSIBILITY FOR INJURIES OR DEATH. EACH PERSON ENTERING THE FACILITY ASSUMES ALL RISK OF INJURY OR DEATH. CALIFORNIA HEALTH AND SAFETY CODE §§-115800. AND 115800.1.

~~A VALID CITY ISSUED SKATE PARK IDENTIFICATION CARD IS REQUIRED TO BE IN THE POSSESSION OF EACH PERSON USING THIS FACILITY. ANY PERSON FAILING TO COMPLY WITH THIS REQUIREMENT SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.~~

IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE A SKATEBOARD OR IN-LINE SKATES UNLESS THE PERSON IS WEARING A HELMET DESIGNED FOR SKATEBOARD USE AND/OR IN-LINE SKATING WITH A CHIN STRAP, ELBOW PADS DESIGNED FOR SKATEBOARD AND/OR IN-LINES SKATING USE WITH PLASTIC ELBOW CAPS AND KNEE PADS DESIGNED FOR SKATEBOARD AND/OR IN-LINE SKATING USE WITH PLASTIC KNEE CAPS, WHICH EQUIPMENT SHALL BE IN GOOD REPAIR AT ALL TIMES DURING USE. IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE ANY DEVICE OTHER THAN NON-MOTORIZED SKATE BOARDS AND NON-MOTORIZED SKATES. IT IS UNLAWFUL FOR ANY PERSON TO PROVIDE AMPLIFIED MUSIC WITHIN THE SKATE PARK. ANY PERSON FAILING TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.

#### 12.12.430 Violations.

Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this chapter shall be prosecuted as a misdemeanor for violations of subsections (A)(9), and (A)(15) (8) through A(10) and A(13) through A(15) of Section 12.12.420 or an infraction for violations of subsections (A)(1) through (A)(8) (7), and (A)(10) (11), through (A)(14) (12), A(16) and A(17) of Section 12.12.420 as provided in Section 1.08.010 of this code.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LODI AMENDING LODI MUNICIPAL CODE CHAPTER 12.12  
"PARKS" BY REPEALING AND REENACTING ARTICLE V  
"SKATE PARKS" IN ITS ENTIRETY

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 12.12 – "Parks" - is hereby amended by repealing and reenacting Article V "Skate Parks" in its entirety and shall read as follows:

**12.12.410 Skateboarding, Roller-skating, and Bicycling prohibited in Certain Areas; Skate Park Regulations:**

- A. Skateboarding, roller-skating, in-line skating, bicycling and similar activities are prohibited in City Parks and recreational facilities unless specifically authorized in areas designed by this article and as further designated by resolution of the City Council. The City of Lodi designates and maintains as a skate park facility, that area located within Kofu Park at 1145 South Ham Lane at Cardinal Street. The boundaries of the skate facility shall be defined by a fence and the signs required by this Article.

**12.12.420 Skate Park Regulations.**

The following regulations shall apply to the riding of skateboards, in-line skates, roller skates or bicycles at, or any other use of, any facility or park owned or operated by the City of Lodi, which has been designated a skate park:

- A. Within the skate park, it shall be unlawful for any person to:
- (1) Ride, operate, or use a skateboard, roller skates, in-line skates or bicycle unless that person is wearing a helmet designed for skateboarding, roller-skating, in-line skating, and/or bicycle use with a chin strap, elbow pads designed for skateboarding, roller-skating, in-line skating and/or bicycle use with plastic elbow caps, and knee pads designed for bicycle, skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use;
  - (2) Ride, operate, utilize a bicycle, skateboard, roller skates, or in-line skates unless such equipment is in good repair at all times during use;
  - (3) Be on or use an individual apparatus within the skate park while another person is using it;
  - (4) Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park;
  - (5) Use the skate park amenities when the surfaces of the amenities are wet or other conditions exist which would adversely affect the safety of bikers, skateboarders or skaters;
  - (6) Use, operate, or possess any source of amplified music including but not limited to stereo's, boom boxes, and amplifiers.

- (7) Enter the concreted portion of skate park unless actively bicycling, skateboarding or in-line skating in accordance with these regulations;
- (8) Use, consume, or have within his or her custody or control, food or beverages, or tobacco within the concreted portion of the skate park;
- (9) Use, consume, or have within his or her custody or control, alcohol, or illegal drugs within the skate park;
- (10) Enter the skate park while under the influence of alcoholic beverages or illegal drugs;
- (11) Use or possess glass containers, bottles, or other breakable glass products within the skate park;
- (12) Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying) or any activity which could endanger the safety of persons using the skate park or spectators;
- (13) Engage in graffiti, tagging, or other defacing of City property or the properties of others;
- (14) Ride, operate, or utilize any device other than a bicycle, skateboard, roller skates, or in-line skates (prohibited devices include, but are not limited to, motor vehicles, motorized skateboards, and motorized skates) within the skate park;
- (15) No person shall enter or remain in or upon the skate park premises: 1) while closed, as determined by the Parks and Recreation Department, or 2) between the hours of 9:00 P.M. and 10:00 A.M.
- (16) Use or have within his or her custody or control, board wax, within the skate park.
- (17) No person shall enter the skate park with any animal.

B. The skate park shall be posted with signs at the following locations:

- (1) At the entrance to the skate Park; and
- (2) On the fences of the skate park, facing the interior of the skate park, and in such places inside the park as determined by the City. The signs shall not be less than 2 feet by 3 feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than ½ inch in height, the following language:

WARNING

BICYCLING, SKATEBOARDING AND IN-LINE SKATING ARE HAZARDOUS RECREATION ACTVIITIES. USE OF THIS FACILITY MAY RESULT IN SERIOUS INJURIES OR DEATH. THE CITY OF LODI DOES NOT ASSUME ANY RESPONSIBILITY FOR INJURIES OR DEATH. EACH PERSON ENTERING THE FACILITY ASSUMES ALL RISK OF INJURY OR DEATH. CALIFORNIA HEALTH AND SAFETY CODE §115800.

IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE A BICYCLE, SKATEBOARD OR IN-LINE SKATES UNLESS THE PERSON IS WEARING A HELMET DESIGNED FOR BICYCLE, SKATEBOARD AND/OR IN-LINE SKATING WITH A CHIN STRAP, ELBOW PADS DESIGNED FOR BICYCLE, SKATEBOARD AND/OR IN-LINES SKATING USE WITH PLASTIC ELBOW CAPS AND KNEE PADS DESIGNED FOR BICYCLE, SKATEBOARD AND/OR IN-LINE SKATING USE WITH PLASTIC KNEE CAPS, WHICH EQUIPMENT SHALL BE IN GOOD REPAIR AT ALL TIMES DURING USE. IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE ANY DEVICE OTHER THAN NON-MOTORIZED BICYCLES, NON-MOTORIZED SKATE BOARDS AND NON-MOTORIZED SKATES. IT IS UNLAWFUL FOR ANY PERSON TO SMOKE, CONSUME ALCOHOLIC BEVERAGES, OR PLAY AMPLIFIED MUSIC WITHIN THE SKATE PARK. ANY PERSON FAILING TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.

#### **12.12.430      Violations.**

Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this chapter shall be prosecuted as a misdemeanor for violations of subsections (A) (9) through (10), (A) (13) and A (14) of Section 12.12.420. All other violations shall be prosecuted as an infraction as provided in Section 1.08.010 of this Code.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.



Approved this \_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Phil Katzakian  
Mayor

Attest:

RANDI JOHL  
City Clerk  
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State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 2010, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2010, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES; COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney